

SENATE BILL REPORT

SB 6053

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, February 28, 2007

Title: An act relating to studying the structure of the department of fish and wildlife.

Brief Description: Creating a legislative task force on the structure of the department of fish and wildlife.

Sponsors: Senators Spanel, Jacobsen, Haugen, Hargrove, Hatfield, Morton, Murray, Fairley and Kohl-Welles.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 2/26/07, 2/28/07 [DPS, DNP].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 6053 be substituted therefor, and the substitute bill do pass.

Signed by Senators Jacobsen, Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Poulsen, Spanel, Stevens and Swecker.

Minority Report: Do not pass.

Signed by Senator Rockefeller, Vice Chair.

Staff: Curt Gavigan (786-7437)

Background: Current law directs the Fish and Wildlife Commission (Commission) to establish policies regarding fish, including both food fish and game fish, shellfish, and wildlife species and to monitor the Department of Fish and Wildlife's implementation of those policies. Among other duties, the Commission also classifies wildlife and establishes the basic rules and regulations governing the time, place, manner, and methods used to harvest or enjoy fish and wildlife.

The Commission consists of nine members who serve six-year terms. Members are appointed by the Governor with the advice and consent of the Senate. Three members must reside east of the summit of the Cascade mountains, three must reside west of the summit, and three are appointed at-large. No two Commissioners may be residents of the same county. Persons eligible for appointment as members of the Commission must have general knowledge of the habits and distribution of fish and wildlife and must not hold another state, county, or municipal elective or appointive office.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Director of Fish and Wildlife (Director) must supervise the administration and operation of the Department of Fish and Wildlife (Department) and perform duties as prescribed by law and delegated by the Commission. The Commission has the authority to appoint the Director. The Director must have general knowledge of the fisheries and wildlife resources of the state, and of its commercial and recreational fishing industry.

Prior to 1993, two separate agencies were responsible for fish and wildlife management in Washington state. The Department of Fisheries, led by a Director, was responsible for management of the state's food fish and shellfish resources. The Department of Wildlife, led by a Commission, managed the state's game fish and wildlife resources. The two agencies were merged into the Department of Fish and Wildlife 1993, and the Commission took on its current role as manager of all the state's fish and wildlife resources through Referendum 45 in 1995.

Examples of those fish classified as food fish include an array of salmon, rockfish, flounders, sole, and halibut. Examples of those fish classified as game fish include an array of bass, bullhead, and trout.

Summary of Bill: General management authority over the state's food fish and shellfish resources is transferred from the Commission to the Director. The Commission is responsible for managing the state's wildlife and game fish resources. The Director is responsible for: (1) managing the state's food fish and shellfish resources; and (2) leading the Department's implementation of those wildlife and game fish policies set by the Commission.

The general statutory duties and authorities of the Department listed in Title 77 RCW are split between the Commission, which is provided general authority over game fish and wildlife, and the Director, who is provided general authority over food fish and shellfish. Definitions are modified to conform with the Director's authority over food fish, shellfish, and other specified matters.

The rulemaking authority of the Department is modified, authorizing the Commission to adopt rules regarding game fish and wildlife and the Director to adopt rules regarding food fish and shellfish.

Aside from this transfer of general authority, the draft bill provides the Director specific authority, or clarifies the Director's existing authority, over many existing functions of the Department. These powers and duties relate to matters including:

- final authority over the Department's budget proposals;
- fishing agreements in waters controlled by the Department of Defense;
- agreements with the United States for fish culture stations on the Columbia River;
- the introduction, transportation, or transplanting of fish, shellfish, or materials which may transmit a disease or pest;
- cooperative efforts involving derelict fishing gear;
- authority and cooperative efforts involving invasive and prohibited aquatic animal and plant species;
- appointments to the commercial fishery license suspension review committee;
- setting requirements for records and reports of recreational food fish and shellfish harvests;

- management of seaweed landing, possession, and transportation;
- management, licensing, and administration of commercial fisheries;
- hydraulic project approvals and fishways;
- shellfish management, and state oyster and shellfish reserves;
- agreements and treaties regarding food fish and shellfish resources, including agreements with Oregon regarding fish in the Columbia River, representation on the Pacific Marine Fisheries Commission, and matters regarding the Pacific Salmon Commission;
- salmon recovery responsibilities and authorities of the Department regarding cooperative efforts with local governments on intertidal salmon habitat;
- salmon and marine fish enhancement efforts, including administration and support for Regional Fisheries Enhancement Groups and management of the Puget Sound Recreational and Marine Fish Enhancement Program;
- the distribution and sale of surplus salmon eggs;
- the Department's authority regarding aquaculture disease control;
- the Department's authority regarding ballast water management; and
- the Department's marine finfish aquaculture escapement program.

The Governor is responsible for appointing Fish and Wildlife Commissioners as well as the Director. In making appointments to the Commission, the Governor must seek to maintain a balance reflecting all aspects of game fish and wildlife. The requirement that the Governor consider candidates recommended by commercial fishing interests for the Commission is removed.

Several statutes in other RCW Titles are amended to conform to the transfer of authority regarding food fish and shellfish resources from the Commission to the Director.

The bill states that, aside from the transfer of management authority, no substantive fish and wildlife policy changes are intended. Additionally, the bill states that the transfer of management and rulemaking authority from the Commissioner to the Director does not invalidate previously adopted rules or policies of the Commission.

RCW 77.04.013, which describes the Legislature's intent to provide management authority over food fish and shellfish resources to the Commission, is repealed.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Natural Resources, Ocean & Recreation): The provisions of the original bill are removed.

A legislative task force will study the structure of DFW. There will be 13 voting members consisting of two members each from the House of Representatives and the Senate, and nine members from specified interested parties. There will be three non-voting members appointed by the Governor, consisting of two representatives from the DFW and one member from the Governor's office. The task force will review and make recommendations regarding specified aspects of the structure of DFW and the roles of employees, staff, and the Commission. The task force, which will be staffed by Senate and House committee staff, will report its findings and recommendations by December 1, 2007.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The issues facing the state with regards to fish populations require a changed DFW approach to pollution related issues as well as geoduck aquaculture.

CON: The Commission has been given authority over fish and wildlife by the people of the state, and this should not be altered. Reducing the role of the Commission will reduce the processes that provide public access and department accountability.

OTHER: There are serious fish and wildlife management issues that exist, but it is tough to identify and address them. Further study of the issue before action is warranted. When addressing issues relating to the Commission and Department, consumers of fish and shellfish must be considered.

Persons Testifying: PRO: Anne Mosness, Go Wild Campaign; Laura Hendricks, Henderson Bay.

CON: Terry Turner, citizen.

OTHER: Ed Owens, Coalition of Coastal Fisheries, Hunters Heritage Council, Citizens for Responsible Wildlife Management; Joe Veradoes, Puget Sound Crab Association.